

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ORLANDO G. HARDAWAY,

Plaintiff,

Case No. 10-13576

v.

Honorable Patrick J. Duggan

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on October 4, 2011.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On September 8, 2010, Orlando Hardaway (“Plaintiff”) filed this suit, challenging a final decision of Defendant Commissioner of Social Security (“the Commissioner”) denying Plaintiff’s application for Disability Insurance Benefits. The parties filed cross-motions for summary judgment, and this Court referred both motions to Magistrate Judge Michael J. Hluchaniuk.

On September 7, 2011, Magistrate Judge Hluchaniuk filed his Report and Recommendation (“R&R”), recommending that this Court grant Plaintiff’s motion in part and deny it in part, grant the Commissioner’s motion in part and deny it in part, and remand this case for further proceedings regarding Plaintiff’s mental health impairments.

At the conclusion of the R&R, Magistrate Judge Hluchaniuk advises the parties that they may object and seek review of the R&R within fourteen days of service upon them. R&R 24. He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” *Id.* (citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991)). Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Hluchaniuk.

Accordingly,

IT IS ORDERED that Plaintiff’s motion for summary judgment is **GRANTED IN PART** and **DENIED IN PART**;

IT IS FURTHER ORDERED that the Commissioner’s motion for summary judgment is **GRANTED IN PART** and **DENIED IN PART**;

IT IS FURTHER ORDERED that this matter is **REMANDED** to the Commissioner for future proceedings regarding Plaintiff’s mental health impairments.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

Joshua L. Moore, Esq.
Judith E. Levy, A.U.S.A.
Magistrate Judge Michael J. Hluchaniuk